UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1993/SR.60
15 March 1993

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 60th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 8 March 1993, at 3 p.m.

Chairman: Mr. ENNACEUR (Tunisia)

later: Mr. GARRETON (Chile)

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(b) Report of the Special Rapporteur on the sale of children

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The meeting was called to order at 3.15 p.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued) (E/CN.4/1993/10)

1. Mr. TOMUSCHAT (Independent Expert on the situation of human rights in Guatemala), introducing his report (E/CN.4/1993/10), said that he had twice visited Guatemala to obtain as complete a picture as possible of the circumstances prevailing there. His second journey had taken place in January 1993, when the first refugees had been due to arrive from Mexico. Unfortunately, he had not been there to welcome them personally, but he had been able to ease some of the difficulties that had arisen at the last minute.

2. The return of the refugees marked a promising new era in the history of Guatemala. Tens of thousands of people had fled the country at the height of a murderous civil war that had claimed its victims mainly among the civilian population. For more than 10 years they had had to stay abroad. At last they had decided to return, as a result of agreements concluded between the Government of Guatemala and the refugees themselves. The agreements stipulated that the Government would either assist the refugees in their endeavours to recover the land they formerly possessed or provide them with new land, that for a period of three years they would be exempted from military service, and that they would not be compelled to serve in civilian self-defence patrols.

3. The first refugees had arrived at their final destination in the northern part of Quiché at the end of January. The Government was experiencing serious difficulties in providing them with land, as promised, and in creating the necessary infrastructure for health care, schooling, and other services. Upon his advice, President Serrano had ordered the removal of a military camp at Santa Clara, a returnee settlement, to a place four or five kilometres away in order to avoid any confrontation. He hoped that both the armed forces and the guerrilla units would respect the wish of the returnees to live in peace and to secure their livelihood as farmers. To date no military clashes had been reported from the Santa Clara area, although fighting had continued farther west.

4. He wished to pay a tribute to all those who had made possible the conclusion of the agreement of 8 October 1992 and of the supplementary agreement of 12 January 1993 and those who had secured their actual implementation, in spite of all the difficulties involved. Apart from the Government of Guatemala and the Permanent Commissions of the refugees, he wished to mention in particular the staff of UNHCR and the mediation effort made by GRICAR, the international support team made up of representatives of Canada, France and Sweden. He himself had been included in the verification mechanism, and a member of the United Nations Committee against Torture had agreed to act as his delegate to monitor compliance by both sides with their obligations under the agreements and to ensure an operational presence of the Centre for Human Rights in Guatemala.

5. The return of the refugees was obviously an important step on the road to normalization. In Guatemala, the overwhelming majority of the population wished to live in peace. In the first place, therefore, normalization meant an end to the armed conflict that had opposed Government troops and guerrilla units for more than 30 years. Unfortunately, a peace agreement had not yet emerged from the negotiations initiated two years previously but, in January 1993, President Serrano had taken a new initiative designed to overcome the deadlock, declaring his Government's willingness to accept the substantive terms of the existing draft human rights agreement, including its immediate verification, subject to certain conditions. The Unidad Revolucionaria Nacional Guatelmateco (URNG) was to pledge its participation in an ongoing process of negotiation designed to reach a comprehensive peace agreement within a period of 90 days, after which a definitive cease-fire would begin, irrespective of the outcome of the negotiations. If the negotiations had not yet been completed, the URNG military units would be concentrated, under the supervision of the United Nations, in areas determined by the Government.

6. A few days later, URNG had dismissed President Serrano's proposals while agreeing in principle to suspend military action. It had claimed that the proposals were partial, contradictory and incomplete. In a counter-proposal, it had suggested that, as from the day of the entry into force of a cease-fire, the armed forces of Guatemala should also be concentrated in places determined by negotiations, that the civilian self-defence patrols should be immediately disbanded, and that the armed forces should be reduced by 50 per cent and be purged of members responsible for human rights violations. Those proposals had been dismissed by the Government.

7. It was thus obvious that unilateral proposals made publicly tended to have a maximalist colouring. To reach an agreement, both sides needed the serenity of a private negotiating table. It was comforting to note that a new round of direct negotiations had been scheduled for 23 February, although it had not produced any major substantive results. The two parties would meet again on 10 March 1993. In that connection, he drew attention to paragraph 27 of his report.

8. The peace negotiations must not drag on for years. The people of Guatemala had a right to peace, although it would be an illusion to believe that all the problems currently bedeviling the country could be solved by the conclusion of a peace agreement. However, as soon as life and physical integrity ceased to be under permanent threat, the ground would be cleared for constructive efforts to build a better future.

9. The number of extrajudicial killings and involuntary disappearances had decreased in 1992 as compared with 1991. There did not appear to be a single documented case of torture in 1992, although many bodies had been found with severe marks of mutilation. There was no reason for complacency, however. The Human Rights Procurator ascribed responsibility for the killings and disappearances he had investigated primarily to the State security forces, but also to the guerrillas. The improvement was certainly to be attributed to a changed environment, where, in particular, a free press denounced any criminal abuses.

10. The ratification of the International Covenant on Civil and Political Rights by Guatemala, as well as the adoption of a new Code of Criminal Procedure, deserved special mention. Those two fundamental developments might to some extent be a result of the constant recommendations he and his predecessor had made.

11. The new Code of Criminal Procedure, which would enter into force on 1 October 1993 or 1 January 1994, after one year of adjustment to the new requirements of due process of law, provided for obligatory oral hearings in accordance with article 14 of the International Covenant on Civil and Political Rights. Criminal proceedings had hitherto relied excessively on evidence that could not be sufficiently checked by all the parties involved. The judge heard witnesses individually, in the absence of the accused, and the ultimate phase of the proceedings, when a decision had to be taken on acquittal or conviction, was based mainly on the written testimony. Oral hearings might help to expedite proceedings and to strengthen public control over the correctness of the handling of trials.

12. Despite the decrease in the number of extrajudicial killings and involuntary disappearances, Guatemala was still permeated by a climate of violence that manifested itself in threats and acts of intimidation which caused people to flee the country. The victims, were largely journalists, trade-union leaders, members of human rights organizations, important witnesses in criminal proceedings, and even police agents or persons in State institutions entrusted with securing and defending human rights. Attacks on journalists and newspapers had been frequent. One of the two public television channels was controlled by the armed forces, and the other had also been allocated to them, but the decision had apparently been suspended following public protests.

13. Members of human rights organizations had been exposed to constant harassment. A short summary was given in paragraph 149 of the report of the charges recently brought against the leader of the Runujel Junam Ethnic Communities Council (CERJ), Amílcar Méndez, regarding which it expressed the most definite scepticism. It was also shocking to note that the Minister of Defence had recently, in public, charged members of the Guatemalan Widows' National Coordinating Committee (CONAVIGUA) with being linked to URNG.

14. Any impartial observer must be struck by the treatment suffered by Acisclo Valladares, the Attorney-General of Guatemala, who, in connection with civil and criminal proceedings instituted against his brother, had been charged with complicity, suspended from the exercise of his functions, arrested and placed in pre-trial detention. Shortly afterwards, however, he had been released on bail for an unprecedented sum, but he was still not discharging his duties as Attorney-General.

15. Threats had also been received by persons working for the repression of crime and protection of human rights, but he had been requested not to divulge any details of them.

16. Many situations likely to generate human rights violations derived from poverty. One of the most difficult problems in Guatemala was the scarcity and unequal distribution of land. Time and again, landless farmers and farm labourers had attempted to occupy land whose legal title was doubtful or which was not being adequately used by its owners. Fortunately, the case of the people of Cajolá, referred in paragraphs 213 to 215 of the report, had reached a happy ending.

17. European countries that felt called upon to criticize Guatemala because of its human rights record should also face up to their own responsibilities. By barring the access of Guatemalan products to European markets, they themselves were profoundly disturbing the social groundwork that conditioned real enjoyment of human rights. Guatemala was perfectly entitled to denounce the short-sighted decision of the European community to introduce a ceiling for banana imports from countries which did not belong to the preferential trade area created by the different Lomé Conventions.

18. Nevertheless, Guatemalans could and must themselves do much to regain the position which their country had once held in the world. Little progress had been made in dealing with the phenomenon of impunity. The persons responsible for the massacre at Taxisco had still not been identified. In a particularly inept judgement, the persons accused had been acquitted for lack of evidence, although that decision had been appealed by the Attorney-General's Office.

19. In the case of the anthropologist Myrna Mack, it might reasonably be concluded that the crime was attributable to the State of Guatemala. In any event, the whole matter had to be investigated by the Attorney-General's Office as well as by the armed forces themselves. He therefore urged the competent authorities to proceed to a strict vetting of all members of the Estado Mayor Presidencial entrusted with intelligence activities. If a purge should prove impossible, the intelligence department might have to be closed down in the interests of protecting the citizens. In any case, he upheld the recommendation made in paragraph 242 of his report.

20. Guatemala had entered a transition stage. It had made great progress, but there were critical questions to be asked. The past could not simply be swept under the rug. URNG, too, had to face up to its responsibilities, since the civil war had never been a fight between angels and devils and some of URNG's news bulletins did not make for comforting reading. Both sides should acknowledge what had gone wrong and what mistakes they had themselves made, thus paving the way for national reconciliation.

21. Only if the past was seriously looked into and discussed, in a spirit not of revenge but of reflection, could the present be handled judiciously and equitably. Guatemala could no longer afford to waste its material and intellectual resources in fratricidal battles. The new task was to establish and strengthen ties of national solidarity by ensuring that everyone had access to basic social services such as education and health care, particularly in the areas inhabited by indigenous communities.

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR

(d) PROGRAMME OF ACTION FOR THE PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

(agenda item 24) (continued) (E/CN.4/1993/65, 66, 67 and Add.1, 86, 95, and 99; E/CN.4/1993/NGO/1; E/CN.4/1992/55 and Add.1; E/CN.4/Sub.2/1992/34 and Corr.1; A/RES/47/112; CRC/C/10)

22. Mr. PLORUTTI (Argentina) said that his country's domestic legislation was gradually being brought into line with the provisions of the Convention on the Rights of the Child. At the Commission's previous session, his delegation had identified the obstacles to the implementation of the Convention in Argentina. In the current year, however, it was able to point to an important advance in the form of the establishment of the Federal Council for Minors and the Family. The Council had organized a federal meeting for the protection of minors and the family, attended by a wide range of representatives, which had established the objectives for Argentina's policy with regard to children in the years to come and a guide for the overall social policy to be pursued with regard to minors.

23. The objectives agreed upon by the Council included the responsibility of the State for formulating policies on children and the family, focusing upon families at greatest risk, and the generation of preventive programmes to strengthen the family as the basic unit of society and the natural medium for the growth and welfare of all its members, particularly children. A higher proportion of the budget was to be assigned to those programmes than to other welfare areas. Current legislation on minors was to be revised to bring it into line with the principles set forth in the Convention

24. By 1996, minors who had broken the law would no longer be detained at police stations and institutions administered by the prison services. Alternatives to the deprivation of liberty for children and adolescents in conflict with the law were to be elaborated. In the exceptional cases which required the transitional treatment of persons under 18 years of age in closed institutions, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice would be applied. A great effort would be made to assist street children and adolescents.

25. The exploitation of all forms of child labour would be eliminated and preventive programmes would be put into place to treat drug addicts, AIDS patients, and persons suffering from sexually transmitted diseases, family violence, maltreatment and abuse. Efforts would be made to prevent the marginalization of disabled children, to assist families in the indigenous communities, and to disseminate the objectives of the Convention on the Rights of the Child at all educational levels.

26. Ms. MOSER (Austria) said that children were a particularly vulnerable section of society, needing special care and assistance and special protection of their rights. Consequently, though most of the rights of the child as defined and guaranteed in the Convention on the Rights of the Child had long formed part of Austrian federal law, her Government had always considered ratification of the Convention a matter of priority. Austria had thus ratified the Convention on 6 August 1992 and had made a declaration regarding article 38 thereof renouncing the possibility of fixing a lower age-limit of 15 years for taking part in hostilities, since her Government considered it to be incompatible with article 3, paragraph 1, of the Convention.

27. Her delegation had noted with appreciation the second comprehensive report of the Special Rapporteur on the sale of children (E/CN.4/1993/67 and Add. 1), which included an in-depth analysis of relevant issues such as adoption for commercial purposes, exploitation of child labour, organ transplantation and other forms of trafficking. Her delegation endorsed the recommendations in the report and stressed the need for an integrated and multidisciplinary approach that would link measures of prevention, protection and rehabilitation. In particular, her delegation welcomed the recommendation that the Commission should ensure that consideration of the rights of children be placed high on the agenda for the forthcoming World Conference on Human Rights.

28. It was unfortunate that Government replies to the annual questionnaire circulated by the Special Rapporteur had diminished by 50 per cent. Her delegation appealed to the States parties to the Convention to cooperate fully with the Special Rapporteur, both in responding to his questionnaire and in inviting him to carry out field visits.

29. Her delegation hoped that the draft programme of action for the elimination of the exploitation of child labour, as revised by the Sub-Commission, would be adopted by consensus. That would also be the ideal moment to begin the updating of the 1981 report on the exploitation of child labour and to extend it to the problem of debt bondage.

30. Austria's ratification of the Convention on the Rights of the Child had prompted her Government to take all the measures necessary for the effective prevention and punishment of child pornography. A recent report had made a number of recommendations, including total prohibition of the traffic in pornographic material involving children, making the possession of such material a crime and imposing higher penalties on those found guilty of violating the prohibition. A bill should be prepared on the subject by June 1993 and her Government would provide details to the Sub-Commission for inclusion in its biennial report on the implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography.

31. Her Government recognized the important role played by the Committee on the Rights of the Child in overseeing the effective implementation of the provisions of the Convention. In view of its heavy workload, the constructive and useful results achieved by the Committee at its second and third sessions were highly commendable. Her delegation fully agreed with the conclusions contained in the Committee's report on its third session, especially its

recommendation that a major United Nations study should be undertaken on the question of children in armed conflicts, an issue which should also be given high priority at the World Conference on Human Rights.

32. Mr. KOTRANE (Tunisia) said that the most important aspect of the Convention on the Rights of the Child was the emphasis it placed on education, through the undertaking by States parties to "make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike" (art. 42). Incorporating the values and principles enshrined in the Convention into national law would serve little purpose unless accompanied by measures to disseminate them as widely as possible.

33. Tunisia had ratified the Convention on the Rights of the Child in November 1991 and had also taken part in the World Summit for Children held in New York in September 1990, which had resulted in the adoption of the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for implementing that Declaration.

34. At the recent African regional preparatory meeting for the forthcoming World Conference on Human Rights, his delegation had launched an initiative which had resulted in the adoption of a resolution on the realization and protection of children's rights, expressing concern at the plight of countless African children caused by socio-economic, cultural and traditional factors, natural disasters and armed conflicts, exploitation and hunger. The resolution called on Governments and intergovernmental and humanitarian organizations to step up their cooperation and assistance so as to ensure full enjoyment by children of the right to survival, protection and development. He hoped that full account would be taken of that resolution at the World Conference.

35. To honour its commitments at the World Summit for Children, his Government had adopted a national plan for the survival, protection and development of children based on a global approach designed to enable parents, communities and public and private establishments in the field of health, education and social and legal services to combine their efforts in favour of children's rights. The role and responsibilities of parents were of paramount importance and, in that connection, special emphasis had been placed on women's contribution to the exercise of parental responsibility, as part of a broad policy to eliminate all forms of discrimination against women.

36. Nevertheless, the State also had a role to play in assisting parents and helping them to understand and assume their responsibilities more effectively and intervening when parental care was seriously defective. The State had an important role to play also in providing health-care services and, in that regard, Tunisia had reduced its under-five mortality rate appreciably between 1960 and 1992. In the vital sphere of education, it had achieved substantial improvements in its primary and secondary school attendance rates and in its general literacy rates. Efforts were being made to extend basic education to all and to reduce school drop-out and failure rates. Legislation had been adopted providing for free and compulsory education for children between the ages of 6 and 16.

37. There were still countless children in the world deprived of the fundamental rights set forth in the Convention on the Rights of the Child and suffering from cruelty and abuses of all kinds. Children in Palestine were a case in point. In their heroic struggle to liberate their homeland and found a free and independent State, they were suffering daily abuses of their human rights. In Bosnia and Somalia, too, children were suffering terribly. The international community should display full solidarity with all those children in order to provide them with hope for the future.

38. Mr. MAJLISH (Bangladesh) said that his delegation was pleased to note from the Secretary-General's report (E/CN.4/1993/65) that more than 126 countries had ratified or acceded to the Convention and that the States parties had endorsed the recommendations of the Committee on the Rights of the Child. Bangladesh had been one of the first States to become a party to the Convention and he urged all States which had not yet done so to ratify it.

39. Children in the least developed countries suffered to an even greater extent than those in other developing countries from the effects of endemic poverty, natural disasters and political upheavals. The least developed countries did not have the economic resources to guarantee such fundamental rights as freedom from hunger, ignorance and disease. Greater long-term support was thus needed from the international community.

40. The problems of child labour and the sale of children were closely related to the overall issue of development, since they were a direct result of poverty, unemployment and illiteracy. In addition to economic resources, political and social commitment was also needed to tackle the situation effectively.

41. All programmes for children should be built around the family as the primary institution for protecting and promoting the rights of the child, with particular emphasis on the role of women. His Government was making sure that the family was the focal point of its national programmes to provide food, shelter, education and health.

42. His Government was giving high priority to primary education and a new ministry had been established under the Prime Minister's direct supervision. Although primary education was free and compulsory, a chronic lack of economic resources meant that it could not yet be extended to all children.

43. Disease and hunger took a heavy toll of children in the least developed countries, mainly because of the extreme poverty in which they invariably lived. If children's rights were to be protected and promoted effectively, the war on extreme poverty must first be won.

44. It was also extreme poverty, combined with ignorance, that drove parents to sell their children or push them into the labour force. Such actions were desperate measures taken in the hope of giving a child the chance of survival in the absence of viable alternatives. The Governments of the countries concerned knew how to resolve the problem, it was only the necessary political will and the economic resources that were lacking.

45. Lastly, he commended the report by the Special Rapporteur on the sale of children (E/CN.4/1993/67), which contained important points deserving of close study.

46. Mr. Garretón (Chile) took the Chair.

47. Mr. DON NANJIRA (Kenya) said that it was most appropriate that the Commission should be discussing the question of children's rights on International Women's Day. He welcomed the report of the Special Rapporteur on the sale of children (E/CN.4/1993/67 and Add.1), which highlighted a number of fundamental challenges facing the international community in general and the Commission in particular. Although the end of the cold war had reduced the threat to global security, the so-called new world order had done little so far to improve the situation of children. The traditional roles of parents in families and societies must be restored and children must be encouraged to think independently and develop a sense of duty and responsibility. First, however, parents must exercise self-discipline and take their responsibilities more seriously.

48. Education was vital, not just to provide academic qualifications but also to give children a proper sense of values. In that connection, measures were needed to combat the adverse influence on children in the developing world of television programmes and videos originating from the developed countries.

49. Contemporary children would be the citizens and leaders of the twenty-first century, yet the disastrous situation in the world meant that they were suffering countless abuses, including child labour and exploitation, abduction and disappearances, pornography, prostitution and sale, together with a lack of proper legal protection. Children also suffered from slavery, drug trafficking and conflicts between religious beliefs, traditional practices and moral and cultural values, and were used as agents of war and crime.

50. If future tragedy was to be avoided, corrective measures must be taken immediately to eradicate the root causes of violations of children's rights. In the countries of the South, poverty was the fundamental problem, depriving people of their dignity and threatening their very survival. In the North, however, the opposite was the case, and child abuse and exploitation often stemmed from affluence and from cultural, scientific and technical sophistication.

51. There was nevertheless a long way to go before universally standardized and acceptable laws for the protection of the rights of the child could be adopted, and it was essential that the dialogue on that question should be intensified inside and outside the Commission and that existing international legal instruments relevant to the rights of children should be strictly adhered to.

52. There was an imperative need for every nation and individual to support the programme of action for the elimination of the exploitation of child labour, to endorse and exercise traditional moral values and to support the

formulation of uniform and comprehensive laws and instruments prohibiting the traffic in persons and the exploitation of children and other vulnerable people.

53. His Government had always stressed the special place of Kenya's children as the future leaders of the nation and had introduced funds and social programmes to prepare them for that role. The strategy had been successful in encouraging people's participation in the decision-making process affecting their daily lives and his Government was confident that Kenyan youth, mothers and women's groups would contribute commensurably to national development and to the successful fulfilment of Kenya's national and international obligations relating to the observance, protection and promotion of the rights of the child.

54. Mr. ELKARIB (Sudan) underscored the importance attached by his Government, which had contributed to the adoption of the Convention on the Rights of the Child, to those rights. He likewise stressed the importance of the Committee on the Rights of the Child, set up under article 43 of the Convention, and said that the report submitted by his country had been one of the first to be discussed by that Committee, at its third session in 1993. He took the opportunity to place on record his delegation's appreciation of the excellent organization of that session. It had particularly valued the opportunity for a dialogue on the report and he expressed its appreciation to the experts and members of the Committee for the high level of the debate.

55. As for the consideration in the Committee of country reports in general, although the discussion was extensive, the representatives of countries were unfortunately not given an opportunity to provide all the information available on the implementation of the Convention. It was necessary to avoid confrontation and political considerations and to focus above all on solving the problems encountered by children. Consideration should also be given to the possibility of financing the attendance of experts from individual developing countries when their countries' reports were being examined. Incidentally, he wished to mention the delays in distributing the documentation for the meetings of the Committee and, in particular, the documents prepared by the Working Group before the Committee met.

56. His delegation paid tribute to the Special Rapporteur on the sale of children for his report (E/CN.4/1993/67) and for the recommendations it contained. He wished to draw particular attention to those concerning international cooperation and the provision of assistance to poor communities.

57. His delegation viewed with great concern the situation of children in regions affected by unjustified sanctions imposed by the international community and drew attention to the information contained in documents E/CN.4/1993/95 and E/CN.4/1993/99 on the deterioration of the situation of Iraqi children as a result of the economic embargo. The Commission should adopt recommendations to put an end to the suffering of children not only in Iraq, but also in the former Yugoslavia.

58. Lastly, he underscored the importance of the recent UNESCO Conference on the ill-treatment of children and said that his delegation would have expected

the recommendations made by the third session of the Commission on the Rights of the Child to be among the documents presented to the Commission for the information of its members.

59. Mr. DARANOWSKI (Poland) expressed his sincere appreciation to the Special Rapporteur for his valuable report on the sale of children (E/CN.4/1993/67). His delegation had studied the Special Rapporteur's recommendations thoroughly and stressed the urgent need for action by the Commission in respect of particularly vulnerable groups, such as street children and children suffering as a result of armed conflicts.

60. Regardless of socio-economic difficulties or political factors, responsibility for the moral and physical integrity of children had to be assumed by everyone, and all United Nations bodies should pay due attention to the rights of the child. In particular, support and proper resources should be granted to allow the Committee on the Rights of the Child to pursue its fundamental work.

61. Mrs. KEYNOUSH (Islamic Republic of Iran) said that economic hardship and social deterioration, particularly when exacerbated by famine or war, were making it increasingly difficult to give children a happy childhood. Children, who were the foundation of a sound future society, were currently suffering from factors that endangered their health, education and development.

62. In Africa, the scourge of civil war had been compounded by famine and drought, while hundreds of children in South America were sold, tortured or killed and there were indications that those responsible enjoyed a considerable degree of impunity. Even in the developed countries, child prostitution was rampant and the school drop-out rate was increasing. Violence attributable to the drug trade contributed to the infringement of children's right to life, and there were even cases in which minors with severe mental disorders had been sentenced to death.

63. Those widespread everyday infringements of human rights should nevertheless not distract attention from children in extreme situations such as poverty attributable to war, which brought in its wake a lack of sanitation, increased mortality rates and inadequate pre- and post-natal care. Her Government had addressed those problems in the case of refugees by raising the level of awareness of the refugee population and improving hygiene and vaccination programmes. An emphasis on preventive health care had also brought down the infant mortality rate. However, the necessary infrastructure was not always available and much still had to be done, for instance, to solve educational problems through building more local schools.

64. Education also meant the elimination of ignorance, and international cooperation was necessary to provide a viable solution embracing family planning, the development of awareness among teachers and parents and the dissemination of information to help children develop their abilities and potential and assume a constructive role in society. Government provision for

social welfare, which was often insufficient and compounded by unchecked population growth, should be consolidated by special studies on children's rights undertaken by national and international groups.

65. Where longer-term solutions were concerned, special attention should be given to parental responsibility which was essential to maintain a sound social environment for children. Special protection was required for mothers to enable them to continue working while bringing up their children and parental support was important at a later stage in children's life, as a means of protecting children from drug abuse and juvenile crime.

66. In tackling the serious problems affecting children "top-down" dictates were by themselves inadequate. It was necessary to develop working models that were flexible and compatible with each and every situation. The campaign against child abuse required mental resolve and love. The international community was fully aware of the patience and hard work that would be needed to translate the principles of the Convention on the Rights of the Child into everyday practice. In that regard, she extended her Government's wholehearted support to the endeavours of the Committee on the Rights of the Child and of all those committed to the future of mankind and posterity.

67. Miss KAYALI (Syrian Arab Republic) gave a number of recent examples of efforts undertaken in her country to enhance the development of children and to provide for their psychological and physical welfare. With the help of UNICEF and WHO, her Government had recently undertaken a nationwide free vaccination campaign against polio, whereby 2.5 million children under 5 had been vaccinated. In the educational field, the Central Council of the Syrian Teachers Union had adopted a plan for the reform of education which embraced the revision of school curricula, increased emphasis on the importance of vocational training and the extension of the duration of compulsory education to nine years. Her Government also endorsed the idea that formal education should be enhanced by an improved relationship between the home and the school.

68. The utilization of child labour in arduous tasks was prohibited in Syria. The increase in private investment had, however, led to an increase in that practice and the Syrian labour office and the organization for the protection of juveniles carried out periodic inspections to ensure that children under the ages of 15 or 17, depending on the industry, were not employed. The labour law also laid down penalties for the utilization of child labour.

69. Among popular organizations, the General Federation of Women played a vital role in ensuring the welfare of children. Some women's organizations had focused on the development of work by women, the improvement of their social status and the abrogation of arbitrary divorce.

70. Under the Syrian Constitution, the family was the basic unit of society and the enhancement of the family was an indispensable part of her Government's national social and economic development strategy. In preparation for the International Year of the Family, the Ministry of Social Affairs and Labour had coordinated studies focusing on families in exceptional

circumstances, including families under foreign occupation, refugee families and migrants, and the need for equal opportunities for all members of the family.

71. As for the report of the Special Rapporteur on the sale of children (E/CN.4/1993/67 and Add.1), her Government had informed the Special Rapporteur that there had been no cases of the sale of children in Syria, and that current legislation did not permit adoption. However, Syrian law did provide for a form of legal custody when a child had no guardian or when his family was incapable of providing for him. In such circumstances, children were placed with a foster family under the supervision of the authorities.

72. The sale of children was a transnational problem that was rendered particularly dangerous by its links with child pornography, prostitution and drug trafficking, and her Government supported all efforts to put an end to those nefarious practices. As the Special Rapporteur emphasized in his report, the underlying causes lay in economic imbalance, with poverty in the developing countries as a prime factor. The solution lay in a comprehensive development strategy for society.

73. The report showed that, in rich countries, the purchase of children reflected the consumer mentality, and the Governments of those countries needed to launch information campaigns to put an end to that phenomenon. An encouraging step in that regard was the recent decision by the Governments of some developed States to extend their jurisdiction to crimes committed by their nationals abroad.

74. Lastly, her delegation had studied with interest the draft programme of action for the elimination of the exploitation of child labour, as reformulated by the Working Group on Contemporary Forms of Slavery, which contained welcome measures to combat that evil.

75. Mr. Ennaceur (Tunisia) resumed the Chair.

76. Mrs. GALVIS (Colombia) said that the international community's concern for children and youth had resulted in international instruments which provided the basis for action to protect their rights. In 1959, 10 fundamental principles, which she repeated, had been affirmed in the Declaration on the Rights of the Child. Those principles must be respected in all countries and all communities.

77. However, to make that obligation more effective, the international community had prepared the Convention on the Rights of the Child, complete with a Committee on the Rights of the Child, adopted by the General Assembly in 1989, and the Commission had appointed a Special Rapporteur to consider matters relating to the sale of children. His report (E/CN.4/1993/67) revealed that practices still existed which were not only degrading for the dignity of children but also subjected them to exploitation contrary to the principles laid down in the Declaration and accepted as rules by the States parties to the Convention.

78. The main aim of the agenda item was to achieve greater international cooperation in order to eradicate the practice of making children the object of commercialization. The sale of children, child prostitution, child pornography, and the exploitation of children were practices found throughout the world, and that meant that steps to combat those practices should be taken at the international level. Intergovernmental organizations directly concerned with children should thus undertake more decisive action to attack the root cause of the problems. In that connection, it would useful if, at its next session, the Commission could be provided with more precise information on actions to increase the general well-being of children by bodies such as UNICEF, ILO, WHO, UNESCO, UNDP and UNHCR and the results achieved thereby.

79. The Sub-Commission had done some useful work on protection machinery by preparing studies on children in detention, child prostitution and child pornography, and the Special Rapporteur had provided much helpful information and proposed some interesting recommendations. Her delegation agreed in particular with the recommendation that strategies aimed at coping with the problem of the sale of children should be integrated, multidisciplinary and in coordination with the various agencies concerned.

80. Solutions designed to eradicate the problems that affected the enjoyment of human rights of children must necessarily take into account the protection of the family and the improvement of its living conditions. Family responsibility should also be comprehensive and both the State and society in general must develop a new vision of the family in which there was participation in decisions and responsibilities by all the parties. The subject should thus be taken up at the World Conference on Human Rights and during the International Year of the Family.

81. Referring to the report on the second session of the Committee on the Rights of the Child (CRC/C/10, para. 32), she said that it was important to make use of indicators to obtain systematized information on the various problems. However, the use of indicators had given rise to reservations at meetings of the United Nations Development Programme because of their limited nature as a means of evaluation. Those reservations were equally valid with regard to indicators to measure achievements in the enjoyment of the human rights of children.

82. Her delegation would welcome some further information on the urgent-action procedure referred to in paragraphs 54 to 58 of the Committee's report. It would be useful to determine the extent of the Committee's ability to undertake urgent action and the criteria that should guide such action.

83. The action programmes to eradicate the sale of children, child prostitution, child pornography and the exploitation of child labour would enable the international community to prepare strategies to deal with those problems. The Commission should ask the Sub-Commission to prepare guidelines for follow-up so that States could transmit the necessary information as quickly as possible. The action programmes could also be a guide in establishing close cooperation with all the specialized agencies with a view to implementing the various suggestions made.

84. Ms. WIJONO (Indonesia) said that the political will to address children's needs and concerns comprehensively had been expressed at the World Summit for Children, while the United Nations Conference on Environment and Development (UNCED) had attached importance to the interlinkage of the issues of children, environment and development. The tenth Summit Meeting of Non-Aligned Countries had urged early ratification and implementation of the Convention on the Rights of the Child.

85. The Convention had enhanced the standard-setting capacity of the United Nations in the field of human rights, projected a more universal character of human rights and fundamental freedoms, and addressed the developmental needs of children. Moreover, it had reaffirmed the importance of the economic, social and cultural aspects of human rights, which her Government had always regarded as essential components of the vast human rights spectrum.

86. Although the Convention stated the right of the child to the enjoyment of the highest attainable standards of health and to facilities for the treatment of illness, 35,000 children were dying every day in the developing countries. A recent report indicated however, that it was possible to end child malnutrition and prevent disease and widespread illiteracy within a decade, at a relatively low financial cost. Sustained political commitment and leadership from developed and developing countries alike was essential to achieve that aim.

87. The activities to date of the Committee on the Rights of the Child were encouraging. Its report indicated that, between 1992 and 1996, the initial reports of approximately 100 States parties would need to be considered, with second periodic reports to follow. Clearly, the Committee was faced with a backlog that threatened its effective functioning. Her delegation thus welcomed the General Assembly's approval of the States parties' recommendation that the future work of the Committee should be organized on the basis of two three-week sessions a year. In addition, the pre-sessional working group to be established should facilitate a more efficient functioning of the Committee.

88. In accordance with the Convention, Indonesia had submitted its initial report to the Committee. Its implementation of the Convention had been much facilitated by the fact that many of its national laws and policies were in accordance with the provisions of the Convention. However, since its ratification of the Convention, her Government had made considerable efforts to harmonize all of its aspects with domestic law. To secure the interests of the child in national development, it intended to incorporate child issues in the proposed general guidelines on State policy, which would be decided upon by the Peoples Assembly in March 1993. The implementation of the Convention would undoubtedly help to achieve the goals of reducing malnutrition and illiteracy, achieving better standards of health and housing, and improving social conditions, especially among women and children.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION (agenda item 11) (continued) (E/CN.4/1993/L.45/Rev.1)

Draft resolution on integrating the rights of women into the human rights mechanisms of the United Nations (E/CN.4/1993/L.45/Rev.1)

89. The CHAIRMAN said that, in connection with International Women's Day, he had met a delegation of women from several regions of the world and had transmitted to them the Commission's appreciation of their efforts. He had informed them that the Commission was considering a resolution on integrating the rights of women into the human rights mechanisms of the United Nations (E/CN.4/1993/L.45/Rev.1). Although it was not on the day's agenda, he asked the Commission to consider it at its current meeting, to commemorate International Women's Day. At the request of the women's delegation in question, he read out to the Commission the text of a resolution that it had adopted.

90. Ms. PARK (Canada), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Burundi, Czech Republic, France, Germany, Republic of Korea and the Russian Federation and the observers for Denmark, Madagascar, Morocco and Senegal, said that the number of sponsors reflected the importance which the rights of women held in the priorities of a growing number of Governments. On the occasion of International Women's Day, it was fitting that the Commission should take some practical steps towards bringing the human rights of women into the mainstream of the system.

91. The draft resolution recognized that human rights, as set out in the International Covenants on Human Rights and related instruments, involved the rights of all persons, both women and men. It also recognized that women were susceptible to particular sorts of human rights abuse. In that respect, she recalled that the Commission had condemned the practice of rape in the former Yugoslavia, particularly against Muslim women in Bosnia and Herzegovina, as a war crime. That reminder of the larger problem of violations against women emphasized the need for the Commission to be aware of any abuses at an early stage, wherever they might occur.

92. For some years, the Commission on the Status of Women had been working to promote equality between men and women, and the text commended the report submitted by the Secretary-General (E/CN.4/1993/12) containing a draft declaration on the elimination of violence against women which was to be submitted to the Commission on the Status of Women at its thirty-second session. The draft resolution stressed the need for closer cooperation between the Commission on the Status of Women and other United Nations human rights bodies, including the Commission on Human Rights. More importantly, it outlined both practical and achievable steps to be taken by the Commission.

93. In response to a point made by the delegation of Bangladesh, the sponsors wished to make the following technical revision of operative paragraph 4: the word "Urges" should be replaced by the word "Invites".

94. Draft resolution E/CN.4/1993/L.45/Rev.1 was adopted.

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 21) (E/CN.4/1993/61 and Add.1)

95. Mr. DARANOWSKI (Poland), having paid tribute to the fundamental role of the Centre for Human Rights, said that advisory services in the field of human rights had an increasingly important part to play in promoting human rights and preventing human rights violations and that required the Centre to play a more active part in establishing and developing interlinkages between efforts undertaken by Governments, intergovernmental organizations and the United Nations system itself. The Centre could make a significant contribution to meeting the urgent need for a systematic and stable flow of information among various agents in the field of human rights, thereby economizing efforts and rendering them more efficient.

96. There was unfortunately a widening gap between the growing responsibilities of the Centre for Human Rights and the means available to it. The principal requirement was a revision of the allocation of resources within the United Nations budget, whose structure stemmed from a time when the profile of human rights had been much lower.

DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF THE SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (agenda item 23) (E/CN.4/1993/NGO/5)

97. Mr. DARANOWSKI (Poland) said that the preparation of the declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms had a relatively long history and reflected the widespread opinion that responsibility for human rights should be borne by States, individuals, groups and society as a whole. To defend human rights it was necessary not only to promote them, but also to recognize human rights violations, to identify their cause, to express peaceful opposition to them and to demand action to prevent and remedy abuses.

98. The draft declaration under preparation provided something more than the necessary legal support for human rights defenders: it was a message from the Commission confirming the readiness of the Member States of the United Nations to respect the role of human rights defenders and their willingness to assist them.

The meeting rose at 6 p.m.